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OFFICE OF PETITIONS

In re Application of :
Sakowicz, et al. :
Application No. 09/235,416 : CORRECTED DECISION GRANTING
Filed: January 22, 1999 : PETITION UNDER 37 CFR
Atty. Dkt. No.: UCSD-04742 : 1.137(a)

This is a revised decision and corrects the decision mailed March 26, 2004, in response to a renewed petition to revive filed October 9, 2003, under 37 CFR 1.137(a).

The petition is **GRANTED**.

The application became abandoned May 24, 2001 for failure to timely reply to the Office communication mailed April 23, 2001. The Office communication set a one (1) month shortened statutory period of time for reply. No petition for extension of time was timely submitted. Notice of Abandonment was mailed November 2, 2001. A petition under 37 CFR 1.137(a) was filed September 3, 2003 and dismissed September 15, 2003. A petition under 37 CFR 1.137(a) was filed June 10, 2003 and dismissed October 9, 2003.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

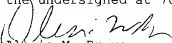
The instant petition has been found in compliance with the provisions of 37 CFR 1.137(a). Accordingly, the failure to timely reply to the Office communication mailed April 23, 2001 is accepted as having been unavoidably delayed.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith in

accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See, Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at 703-305-0310.


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Office of Petitions